

PUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILLIP DEWAYNE STEWART,
Petitioner,
v.
DEXTER PAYNE,
Respondent.

Case No. [22-cv-03636-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**


Petitioner filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 8, 2022, mail directed to petitioner by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, petitioner has not updated his address with the Court or submitted any further pleadings in this case. In addition, on August 1 and 31, 2022, two separate pieces of mail directed to petitioner were returned to the Clerk with a notation that they were undeliverable.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b).

More than sixty days have passed since the first piece of mail directed to petitioner by the Court was returned as undeliverable on July 8, 2022. The Court has not received a notice from petitioner of a new address. Accordingly, the petition is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: September 13, 2022


JUDGE YVONNE GONZALEZ ROGERS
United States District Judge